

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2008 of 2020**

Arising Out of PS. Case No.-720 Year-2017 Thana- BARACHATTI District- Gaya

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1. BABULAL YADAV S/o Mohan Mahto R/o village- Surjudih, P.S.- Sirdala, District- Nawada
 2. PAPU YADAV @ ANUJ KUMAR S/o Babulal Yadav R/o village- Surjudih, P.S.- Sirdala, District- Nawada

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Prasad

For the Respondent/s : Ms. Usha Kumar, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 15-01-2021 This criminal appeal has been listed on the basis of
mention slip filed on behalf of the appellants.

Learned counsel of the appellants submits that the brother of appellant No. 1 died and there is no any other family member in his family to perform last rituals of brother of the appellant No. 1.

Although it is informed that one interlocutory application has been filed on behalf of the appellant No. 1 but the said interlocutory application has not been brought on record.

However, with the consent of the parties, this appeal can be decided on merit.



Heard learned counsel appearing for the appellants as well as learned Special Public Prosecutor for the State.

This criminal appeal has been preferred under Section 14A(2) of SC/ST (Prevention of Atrocities) Act, 1989 against the order dated 28.9.2020 passed by the Special Judge SC/ST Act, Gaya, in connection with Barachati P.S. Case No. 720/17 registered under Sections 467, 420, 406, 120B of the Indian Penal Code and Sections 3(i) (r) (s) of SC ST (Prevention of Atrocities) Act by which and whereunder the learned Special Judge rejected the bail prayer of the appellants.

Appellants are in custody since 8.9.2020 on the accusation that they took more than Rs. Two lacs from informant with assurance to provide job in railway to the son of informant.

Learned counsel appearing for appellants submits that the accusation levelled against the appellants is completely baseless and, as a matter of fact, the appellants have been implicated in this case on account of enmity and local politics and, moreover, no case under SC ST (Prevention of Atrocities) Act is made out.

Learned Spl. P.P. opposed the prayer pointing out that the appellants took huge amount from informant in the name of



providing job to son of the informant.

Considering the facts and circumstances as well as submissions of the parties, and also taking note of this fact that the investigation of the case has already been completed and the appellants are languishing in jail custody since long, this criminal appeal is allowed and, accordingly, impugned order dated 28.9.2020 passed by the learned Special Judge SC & ST Act, Gaya, in Barachati P.S. Case No. 720 of 2017 is, hereby, set aside.

Accordingly, the above named appellants are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned learned Special Judge SC & ST Act, Gaya in Barachati P.S. Case No. 720/17.

So far as interlocutory application filed on behalf of the appellants is concerned, the same stands dismissed being infructuous. The office is directed to tag the interlocutory application filed on behalf of the appellant No. 1 with this record.

(Hemant Kumar Srivastava, J)

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